

WASHINGTON, D.C. 20505

OLC 76-1629

8 JUN 1976

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Frey:

Enclosed is a proposed report to Chairman Brooks, House Committee on Government Operations, in response to a request for our recommendations on H.R. 12348, a bill "To improve agency responsiveness to citizen complaints and inquiries, to require submission to Congress of information on administrative procedures used to handle citizen complaints and inquiries, and for other purposes."

Advice is requested as to whether there is any objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

SIGNED

Legislative Counsel

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Enclosure

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OLC:RLB:ndl (7 June 1976)



Honorable Jack Brooks, Chairman
Committee on Government Operations
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

This is in response to your letter of 16 March 1976 requesting comments on H.R. 12348, a bill "To improve agency responsiveness to citizen complaints and inquiries, to require submission to Congress of information on administrative procedures used to handle citizen complaints and inquiries, and for other purposes."

The Central Intelligence Agency is not a Federal regulatory agency and is not involved in direct services to the public. While the Agency has contacts with U.S. citizens involving "complaints and inquiries," these are fundamentally different than those of agencies with responsibilities that are completely or predominately domestic in nature. Measures as proposed in this bill would seem more clearly applicable if directed only to those agencies involved directly with providing services to and regulating activities in the public sector, rather than the broad coverage established by reference in Section 2, to "executive agency" as defined in Section 105 of Title 5, United States Code.

The Agency's mission and efforts are directed towards foreign intelligence and touch only peripherally on domestic matters, hence our contacts with U.S. citizens are not extensive in terms of "complaints and inquiries." The day-to-day inquiries from private citizens requesting information or stating their views on CIA activities, personnel matters, policies, and so forth are generally answered--with due consideration given to the statutory limits imposed on the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure and the statutory provision for nondisclosure of CIA organizational, financial, or personnel matters.



It is unclear whether the term "citizen inquiries" as employed in this bill is intended to include all matters pertaining to confidential relationships between an intelligence agency such as the CIA-- which maintains certain limited, authorized contacts with U.S. citizens voluntarily providing information to the Government. If so, the inclusion of such material in a report to Congress, as would be required under this bill, could conflict with the duty of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure. A similar problem could arise if the proposed reports required under Section 4 of this bill were to include information on the organization, finances, or personnel of the CIA. Under Section 6 of the Central Intelligence Agency Act of 1949, such information is protected from public disclosure (50 U.S.C. 403g).

Enactment of H.R. 12348 would appear to create another bureaucratic layer and increase costs to the taxpayer by requiring the establishment of yet another mechanism for additional record keeping and reporting. The current requirements of the Privacy Act and the Freedom of Information Act insure responsiveness by Government agencies, such as the CIA, to citizens' interest in their activities.

It is my view that this legislation is unnecessary and I would therefore recommend against favorable consideration of the bill.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

George Bush
Director

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Washington, D. C. 20505		
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